

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COBY JAMES MARLER,

Defendant.

CR-06-87-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 19, 2021. (Doc. 57.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 3, 2021. (Doc. 53.) The United States accused Marler of violating his conditions of supervised release 1) by using methamphetamine; and 2) by leaving Montana without obtaining the proper approval of his probation officer. (Doc. 50.)

At the revocation hearing, Marler admitted to violating the conditions of his supervised 1) by leaving Montana without obtaining the proper approval of his probation officer. The Court dismissed alleged violation 1 on the government's motion. (Doc. 53.) Judge Johnston found that the violation Marler admitted proved to be serious and warranted revocation, and recommended that Marler receive a custodial sentence of 1 day with 4 months of supervised release to follow. (Doc. 57.) Marler was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc.53.) The violation prove serious and warrant revocation of Marler's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 57) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Coby James Marler be sentenced to the custody of the United States Bureau of Prisons for 1 day, with 4 months of supervised release to follow.

DATED this 4th day of August, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court